

SB2484



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2484

Introduced 1/18/2006, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

40 ILCS 5/14-110

from Ch. 108 1/2, par. 14-110

Amends the State Employee Article of the Illinois Pension Code. Adds police officers for the Secretary of State to the alternative formula. Effective immediately.

LRB094 18858 AMC 54289 b

FISCAL NOTE ACT
MAY APPLY

PENSION IMPACT
NOTE ACT MAY
APPLY

A BILL FOR

1 AN ACT concerning public employee benefits.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Pension Code is amended by changing
5 Section 14-110 as follows:

6 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

7 (Text of Section before amendment by P.A. 94-696)

8 Sec. 14-110. Alternative retirement annuity.

9 (a) Any member who has withdrawn from service with not less
10 than 20 years of eligible creditable service and has attained
11 age 55, and any member who has withdrawn from service with not
12 less than 25 years of eligible creditable service and has
13 attained age 50, regardless of whether the attainment of either
14 of the specified ages occurs while the member is still in
15 service, shall be entitled to receive at the option of the
16 member, in lieu of the regular or minimum retirement annuity, a
17 retirement annuity computed as follows:

18 (i) for periods of service as a noncovered employee: if
19 retirement occurs on or after January 1, 2001, 3% of final
20 average compensation for each year of creditable service;
21 if retirement occurs before January 1, 2001, 2 1/4% of
22 final average compensation for each of the first 10 years
23 of creditable service, 2 1/2% for each year above 10 years
24 to and including 20 years of creditable service, and 2 3/4%
25 for each year of creditable service above 20 years; and

26 (ii) for periods of eligible creditable service as a
27 covered employee: if retirement occurs on or after January
28 1, 2001, 2.5% of final average compensation for each year
29 of creditable service; if retirement occurs before January
30 1, 2001, 1.67% of final average compensation for each of
31 the first 10 years of such service, 1.90% for each of the
32 next 10 years of such service, 2.10% for each year of such

1 service in excess of 20 but not exceeding 30, and 2.30% for
2 each year in excess of 30.

3 Such annuity shall be subject to a maximum of 75% of final
4 average compensation if retirement occurs before January 1,
5 2001 or to a maximum of 80% of final average compensation if
6 retirement occurs on or after January 1, 2001.

7 These rates shall not be applicable to any service
8 performed by a member as a covered employee which is not
9 eligible creditable service. Service as a covered employee
10 which is not eligible creditable service shall be subject to
11 the rates and provisions of Section 14-108.

12 (b) For the purpose of this Section, "eligible creditable
13 service" means creditable service resulting from service in one
14 or more of the following positions:

- 15 (1) State policeman;
- 16 (2) fire fighter in the fire protection service of a
17 department;
- 18 (3) air pilot;
- 19 (4) special agent;
- 20 (5) investigator or police officer for the Secretary of
21 State;
- 22 (6) conservation police officer;
- 23 (7) investigator for the Department of Revenue;
- 24 (8) security employee of the Department of Human
25 Services;
- 26 (9) Central Management Services security police
27 officer;
- 28 (10) security employee of the Department of
29 Corrections;
- 30 (11) dangerous drugs investigator;
- 31 (12) investigator for the Department of State Police;
- 32 (13) investigator for the Office of the Attorney
33 General;
- 34 (14) controlled substance inspector;
- 35 (15) investigator for the Office of the State's
36 Attorneys Appellate Prosecutor;

- 1 (16) Commerce Commission police officer;
- 2 (17) arson investigator;
- 3 (18) State highway maintenance worker.

4 A person employed in one of the positions specified in this
5 subsection is entitled to eligible creditable service for
6 service credit earned under this Article while undergoing the
7 basic police training course approved by the Illinois Law
8 Enforcement Training Standards Board, if completion of that
9 training is required of persons serving in that position. For
10 the purposes of this Code, service during the required basic
11 police training course shall be deemed performance of the
12 duties of the specified position, even though the person is not
13 a sworn peace officer at the time of the training.

14 (c) For the purposes of this Section:

15 (1) The term "state policeman" includes any title or
16 position in the Department of State Police that is held by
17 an individual employed under the State Police Act.

18 (2) The term "fire fighter in the fire protection
19 service of a department" includes all officers in such fire
20 protection service including fire chiefs and assistant
21 fire chiefs.

22 (3) The term "air pilot" includes any employee whose
23 official job description on file in the Department of
24 Central Management Services, or in the department by which
25 he is employed if that department is not covered by the
26 Personnel Code, states that his principal duty is the
27 operation of aircraft, and who possesses a pilot's license;
28 however, the change in this definition made by this
29 amendatory Act of 1983 shall not operate to exclude any
30 noncovered employee who was an "air pilot" for the purposes
31 of this Section on January 1, 1984.

32 (4) The term "special agent" means any person who by
33 reason of employment by the Division of Narcotic Control,
34 the Bureau of Investigation or, after July 1, 1977, the
35 Division of Criminal Investigation, the Division of
36 Internal Investigation, the Division of Operations, or any

1 other Division or organizational entity in the Department
2 of State Police is vested by law with duties to maintain
3 public order, investigate violations of the criminal law of
4 this State, enforce the laws of this State, make arrests
5 and recover property. The term "special agent" includes any
6 title or position in the Department of State Police that is
7 held by an individual employed under the State Police Act.

8 (5) The term "investigator or police officer for the
9 Secretary of State" means any person employed by the Office
10 of the Secretary of State and vested with such
11 investigative or police duties as render him ineligible for
12 coverage under the Social Security Act by reason of
13 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
14 Act.

15 A person who became employed as an investigator for the
16 Secretary of State between January 1, 1967 and December 31,
17 1975, and who has served as such until attainment of age
18 60, either continuously or with a single break in service
19 of not more than 3 years duration, which break terminated
20 before January 1, 1976, shall be entitled to have his
21 retirement annuity calculated in accordance with
22 subsection (a), notwithstanding that he has less than 20
23 years of credit for such service.

24 (6) The term "Conservation Police Officer" means any
25 person employed by the Division of Law Enforcement of the
26 Department of Natural Resources and vested with such law
27 enforcement duties as render him ineligible for coverage
28 under the Social Security Act by reason of Sections
29 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
30 term "Conservation Police Officer" includes the positions
31 of Chief Conservation Police Administrator and Assistant
32 Conservation Police Administrator.

33 (7) The term "investigator for the Department of
34 Revenue" means any person employed by the Department of
35 Revenue and vested with such investigative duties as render
36 him ineligible for coverage under the Social Security Act

1 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
2 218(1)(1) of that Act.

3 (8) The term "security employee of the Department of
4 Human Services" means any person employed by the Department
5 of Human Services who (i) is employed at the Chester Mental
6 Health Center and has daily contact with the residents
7 thereof, (ii) is employed within a security unit at a
8 facility operated by the Department and has daily contact
9 with the residents of the security unit, (iii) is employed
10 at a facility operated by the Department that includes a
11 security unit and is regularly scheduled to work at least
12 50% of his or her working hours within that security unit,
13 or (iv) is a mental health police officer. "Mental health
14 police officer" means any person employed by the Department
15 of Human Services in a position pertaining to the
16 Department's mental health and developmental disabilities
17 functions who is vested with such law enforcement duties as
18 render the person ineligible for coverage under the Social
19 Security Act by reason of Sections 218(d)(5)(A),
20 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
21 means that portion of a facility that is devoted to the
22 care, containment, and treatment of persons committed to
23 the Department of Human Services as sexually violent
24 persons, persons unfit to stand trial, or persons not
25 guilty by reason of insanity. With respect to past
26 employment, references to the Department of Human Services
27 include its predecessor, the Department of Mental Health
28 and Developmental Disabilities.

29 The changes made to this subdivision (c)(8) by Public
30 Act 92-14 apply to persons who retire on or after January
31 1, 2001, notwithstanding Section 1-103.1.

32 (9) "Central Management Services security police
33 officer" means any person employed by the Department of
34 Central Management Services who is vested with such law
35 enforcement duties as render him ineligible for coverage
36 under the Social Security Act by reason of Sections

1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

2 (10) For a member who first became an employee under
3 this Article before July 1, 2005, the term "security
4 employee of the Department of Corrections" means any
5 employee of the Department of Corrections or the former
6 Department of Personnel, and any member or employee of the
7 Prisoner Review Board, who has daily contact with inmates
8 by working within a correctional facility or who is a
9 parole officer or an employee who has direct contact with
10 committed persons in the performance of his or her job
11 duties. For a member who first becomes an employee under
12 this Article on or after July 1, 2005, the term means an
13 employee of the Department of Corrections who is any of the
14 following: (i) officially headquartered at a correctional
15 facility, (ii) a parole officer, (iii) a member of the
16 apprehension unit, (iv) a member of the intelligence unit,
17 (v) a member of the sort team, or (vi) an investigator.

18 (11) The term "dangerous drugs investigator" means any
19 person who is employed as such by the Department of Human
20 Services.

21 (12) The term "investigator for the Department of State
22 Police" means a person employed by the Department of State
23 Police who is vested under Section 4 of the Narcotic
24 Control Division Abolition Act with such law enforcement
25 powers as render him ineligible for coverage under the
26 Social Security Act by reason of Sections 218(d)(5)(A),
27 218(d)(8)(D) and 218(1)(1) of that Act.

28 (13) "Investigator for the Office of the Attorney
29 General" means any person who is employed as such by the
30 Office of the Attorney General and is vested with such
31 investigative duties as render him ineligible for coverage
32 under the Social Security Act by reason of Sections
33 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
34 the period before January 1, 1989, the term includes all
35 persons who were employed as investigators by the Office of
36 the Attorney General, without regard to social security

1 status.

2 (14) "Controlled substance inspector" means any person
3 who is employed as such by the Department of Professional
4 Regulation and is vested with such law enforcement duties
5 as render him ineligible for coverage under the Social
6 Security Act by reason of Sections 218(d)(5)(A),
7 218(d)(8)(D) and 218(1)(1) of that Act. The term
8 "controlled substance inspector" includes the Program
9 Executive of Enforcement and the Assistant Program
10 Executive of Enforcement.

11 (15) The term "investigator for the Office of the
12 State's Attorneys Appellate Prosecutor" means a person
13 employed in that capacity on a full time basis under the
14 authority of Section 7.06 of the State's Attorneys
15 Appellate Prosecutor's Act.

16 (16) "Commerce Commission police officer" means any
17 person employed by the Illinois Commerce Commission who is
18 vested with such law enforcement duties as render him
19 ineligible for coverage under the Social Security Act by
20 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
21 218(1)(1) of that Act.

22 (17) "Arson investigator" means any person who is
23 employed as such by the Office of the State Fire Marshal
24 and is vested with such law enforcement duties as render
25 the person ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),
27 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
28 employed as an arson investigator on January 1, 1995 and is
29 no longer in service but not yet receiving a retirement
30 annuity may convert his or her creditable service for
31 employment as an arson investigator into eligible
32 creditable service by paying to the System the difference
33 between the employee contributions actually paid for that
34 service and the amounts that would have been contributed if
35 the applicant were contributing at the rate applicable to
36 persons with the same social security status earning

1 eligible creditable service on the date of application.

2 (18) The term "State highway maintenance worker" means
3 a person who is either of the following:

4 (i) A person employed on a full-time basis by the
5 Illinois Department of Transportation in the position
6 of highway maintainer, highway maintenance lead
7 worker, highway maintenance lead/lead worker, heavy
8 construction equipment operator, power shovel
9 operator, or bridge mechanic; and whose principal
10 responsibility is to perform, on the roadway, the
11 actual maintenance necessary to keep the highways that
12 form a part of the State highway system in serviceable
13 condition for vehicular traffic.

14 (ii) A person employed on a full-time basis by the
15 Illinois State Toll Highway Authority in the position
16 of equipment operator/laborer H-4, equipment
17 operator/laborer H-6, welder H-4, welder H-6,
18 mechanical/electrical H-4, mechanical/electrical H-6,
19 water/sewer H-4, water/sewer H-6, sign maker/hanger
20 H-4, sign maker/hanger H-6, roadway lighting H-4,
21 roadway lighting H-6, structural H-4, structural H-6,
22 painter H-4, or painter H-6; and whose principal
23 responsibility is to perform, on the roadway, the
24 actual maintenance necessary to keep the Authority's
25 tollways in serviceable condition for vehicular
26 traffic.

27 (d) A security employee of the Department of Corrections,
28 and a security employee of the Department of Human Services who
29 is not a mental health police officer, shall not be eligible
30 for the alternative retirement annuity provided by this Section
31 unless he or she meets the following minimum age and service
32 requirements at the time of retirement:

33 (i) 25 years of eligible creditable service and age 55;

34 or

35 (ii) beginning January 1, 1987, 25 years of eligible
36 creditable service and age 54, or 24 years of eligible

1 creditable service and age 55; or

2 (iii) beginning January 1, 1988, 25 years of eligible
3 creditable service and age 53, or 23 years of eligible
4 creditable service and age 55; or

5 (iv) beginning January 1, 1989, 25 years of eligible
6 creditable service and age 52, or 22 years of eligible
7 creditable service and age 55; or

8 (v) beginning January 1, 1990, 25 years of eligible
9 creditable service and age 51, or 21 years of eligible
10 creditable service and age 55; or

11 (vi) beginning January 1, 1991, 25 years of eligible
12 creditable service and age 50, or 20 years of eligible
13 creditable service and age 55.

14 Persons who have service credit under Article 16 of this
15 Code for service as a security employee of the Department of
16 Corrections or the Department of Human Services in a position
17 requiring certification as a teacher may count such service
18 toward establishing their eligibility under the service
19 requirements of this Section; but such service may be used only
20 for establishing such eligibility, and not for the purpose of
21 increasing or calculating any benefit.

22 (e) If a member enters military service while working in a
23 position in which eligible creditable service may be earned,
24 and returns to State service in the same or another such
25 position, and fulfills in all other respects the conditions
26 prescribed in this Article for credit for military service,
27 such military service shall be credited as eligible creditable
28 service for the purposes of the retirement annuity prescribed
29 in this Section.

30 (f) For purposes of calculating retirement annuities under
31 this Section, periods of service rendered after December 31,
32 1968 and before October 1, 1975 as a covered employee in the
33 position of special agent, conservation police officer, mental
34 health police officer, or investigator for the Secretary of
35 State, shall be deemed to have been service as a noncovered
36 employee, provided that the employee pays to the System prior

1 to retirement an amount equal to (1) the difference between the
2 employee contributions that would have been required for such
3 service as a noncovered employee, and the amount of employee
4 contributions actually paid, plus (2) if payment is made after
5 July 31, 1987, regular interest on the amount specified in item
6 (1) from the date of service to the date of payment.

7 For purposes of calculating retirement annuities under
8 this Section, periods of service rendered after December 31,
9 1968 and before January 1, 1982 as a covered employee in the
10 position of investigator for the Department of Revenue shall be
11 deemed to have been service as a noncovered employee, provided
12 that the employee pays to the System prior to retirement an
13 amount equal to (1) the difference between the employee
14 contributions that would have been required for such service as
15 a noncovered employee, and the amount of employee contributions
16 actually paid, plus (2) if payment is made after January 1,
17 1990, regular interest on the amount specified in item (1) from
18 the date of service to the date of payment.

19 (g) A State policeman may elect, not later than January 1,
20 1990, to establish eligible creditable service for up to 10
21 years of his service as a policeman under Article 3, by filing
22 a written election with the Board, accompanied by payment of an
23 amount to be determined by the Board, equal to (i) the
24 difference between the amount of employee and employer
25 contributions transferred to the System under Section 3-110.5,
26 and the amounts that would have been contributed had such
27 contributions been made at the rates applicable to State
28 policemen, plus (ii) interest thereon at the effective rate for
29 each year, compounded annually, from the date of service to the
30 date of payment.

31 Subject to the limitation in subsection (i), a State
32 policeman may elect, not later than July 1, 1993, to establish
33 eligible creditable service for up to 10 years of his service
34 as a member of the County Police Department under Article 9, by
35 filing a written election with the Board, accompanied by
36 payment of an amount to be determined by the Board, equal to

1 (i) the difference between the amount of employee and employer
2 contributions transferred to the System under Section 9-121.10
3 and the amounts that would have been contributed had those
4 contributions been made at the rates applicable to State
5 policemen, plus (ii) interest thereon at the effective rate for
6 each year, compounded annually, from the date of service to the
7 date of payment.

8 (h) Subject to the limitation in subsection (i), a State
9 policeman or investigator for the Secretary of State may elect
10 to establish eligible creditable service for up to 12 years of
11 his service as a policeman under Article 5, by filing a written
12 election with the Board on or before January 31, 1992, and
13 paying to the System by January 31, 1994 an amount to be
14 determined by the Board, equal to (i) the difference between
15 the amount of employee and employer contributions transferred
16 to the System under Section 5-236, and the amounts that would
17 have been contributed had such contributions been made at the
18 rates applicable to State policemen, plus (ii) interest thereon
19 at the effective rate for each year, compounded annually, from
20 the date of service to the date of payment.

21 Subject to the limitation in subsection (i), a State
22 policeman, conservation police officer, or investigator for
23 the Secretary of State may elect to establish eligible
24 creditable service for up to 10 years of service as a sheriff's
25 law enforcement employee under Article 7, by filing a written
26 election with the Board on or before January 31, 1993, and
27 paying to the System by January 31, 1994 an amount to be
28 determined by the Board, equal to (i) the difference between
29 the amount of employee and employer contributions transferred
30 to the System under Section 7-139.7, and the amounts that would
31 have been contributed had such contributions been made at the
32 rates applicable to State policemen, plus (ii) interest thereon
33 at the effective rate for each year, compounded annually, from
34 the date of service to the date of payment.

35 (i) The total amount of eligible creditable service
36 established by any person under subsections (g), (h), (j), (k),

1 and (l) of this Section shall not exceed 12 years.

2 (j) Subject to the limitation in subsection (i), an
3 investigator for the Office of the State's Attorneys Appellate
4 Prosecutor or a controlled substance inspector may elect to
5 establish eligible creditable service for up to 10 years of his
6 service as a policeman under Article 3 or a sheriff's law
7 enforcement employee under Article 7, by filing a written
8 election with the Board, accompanied by payment of an amount to
9 be determined by the Board, equal to (1) the difference between
10 the amount of employee and employer contributions transferred
11 to the System under Section 3-110.6 or 7-139.8, and the amounts
12 that would have been contributed had such contributions been
13 made at the rates applicable to State policemen, plus (2)
14 interest thereon at the effective rate for each year,
15 compounded annually, from the date of service to the date of
16 payment.

17 (k) Subject to the limitation in subsection (i) of this
18 Section, an alternative formula employee may elect to establish
19 eligible creditable service for periods spent as a full-time
20 law enforcement officer or full-time corrections officer
21 employed by the federal government or by a state or local
22 government located outside of Illinois, for which credit is not
23 held in any other public employee pension fund or retirement
24 system. To obtain this credit, the applicant must file a
25 written application with the Board by March 31, 1998,
26 accompanied by evidence of eligibility acceptable to the Board
27 and payment of an amount to be determined by the Board, equal
28 to (1) employee contributions for the credit being established,
29 based upon the applicant's salary on the first day as an
30 alternative formula employee after the employment for which
31 credit is being established and the rates then applicable to
32 alternative formula employees, plus (2) an amount determined by
33 the Board to be the employer's normal cost of the benefits
34 accrued for the credit being established, plus (3) regular
35 interest on the amounts in items (1) and (2) from the first day
36 as an alternative formula employee after the employment for

1 which credit is being established to the date of payment.

2 (1) Subject to the limitation in subsection (i), a security
3 employee of the Department of Corrections may elect, not later
4 than July 1, 1998, to establish eligible creditable service for
5 up to 10 years of his or her service as a policeman under
6 Article 3, by filing a written election with the Board,
7 accompanied by payment of an amount to be determined by the
8 Board, equal to (i) the difference between the amount of
9 employee and employer contributions transferred to the System
10 under Section 3-110.5, and the amounts that would have been
11 contributed had such contributions been made at the rates
12 applicable to security employees of the Department of
13 Corrections, plus (ii) interest thereon at the effective rate
14 for each year, compounded annually, from the date of service to
15 the date of payment.

16 (Source: P.A. 94-4, eff. 6-1-05.)

17 (Text of Section after amendment by P.A. 94-696)

18 Sec. 14-110. Alternative retirement annuity.

19 (a) Any member who has withdrawn from service with not less
20 than 20 years of eligible creditable service and has attained
21 age 55, and any member who has withdrawn from service with not
22 less than 25 years of eligible creditable service and has
23 attained age 50, regardless of whether the attainment of either
24 of the specified ages occurs while the member is still in
25 service, shall be entitled to receive at the option of the
26 member, in lieu of the regular or minimum retirement annuity, a
27 retirement annuity computed as follows:

28 (i) for periods of service as a noncovered employee: if
29 retirement occurs on or after January 1, 2001, 3% of final
30 average compensation for each year of creditable service;
31 if retirement occurs before January 1, 2001, 2 1/4% of
32 final average compensation for each of the first 10 years
33 of creditable service, 2 1/2% for each year above 10 years
34 to and including 20 years of creditable service, and 2 3/4%
35 for each year of creditable service above 20 years; and

1 (ii) for periods of eligible creditable service as a
2 covered employee: if retirement occurs on or after January
3 1, 2001, 2.5% of final average compensation for each year
4 of creditable service; if retirement occurs before January
5 1, 2001, 1.67% of final average compensation for each of
6 the first 10 years of such service, 1.90% for each of the
7 next 10 years of such service, 2.10% for each year of such
8 service in excess of 20 but not exceeding 30, and 2.30% for
9 each year in excess of 30.

10 Such annuity shall be subject to a maximum of 75% of final
11 average compensation if retirement occurs before January 1,
12 2001 or to a maximum of 80% of final average compensation if
13 retirement occurs on or after January 1, 2001.

14 These rates shall not be applicable to any service
15 performed by a member as a covered employee which is not
16 eligible creditable service. Service as a covered employee
17 which is not eligible creditable service shall be subject to
18 the rates and provisions of Section 14-108.

19 (b) For the purpose of this Section, "eligible creditable
20 service" means creditable service resulting from service in one
21 or more of the following positions:

22 (1) State policeman;

23 (2) fire fighter in the fire protection service of a
24 department;

25 (3) air pilot;

26 (4) special agent;

27 (5) investigator or police officer for the Secretary of
28 State;

29 (6) conservation police officer;

30 (7) investigator for the Department of Revenue;

31 (8) security employee of the Department of Human
32 Services;

33 (9) Central Management Services security police
34 officer;

35 (10) security employee of the Department of
36 Corrections or the Department of Juvenile Justice;

- 1 (11) dangerous drugs investigator;
- 2 (12) investigator for the Department of State Police;
- 3 (13) investigator for the Office of the Attorney
- 4 General;
- 5 (14) controlled substance inspector;
- 6 (15) investigator for the Office of the State's
- 7 Attorneys Appellate Prosecutor;
- 8 (16) Commerce Commission police officer;
- 9 (17) arson investigator;
- 10 (18) State highway maintenance worker.

11 A person employed in one of the positions specified in this
12 subsection is entitled to eligible creditable service for
13 service credit earned under this Article while undergoing the
14 basic police training course approved by the Illinois Law
15 Enforcement Training Standards Board, if completion of that
16 training is required of persons serving in that position. For
17 the purposes of this Code, service during the required basic
18 police training course shall be deemed performance of the
19 duties of the specified position, even though the person is not
20 a sworn peace officer at the time of the training.

21 (c) For the purposes of this Section:

22 (1) The term "state policeman" includes any title or
23 position in the Department of State Police that is held by
24 an individual employed under the State Police Act.

25 (2) The term "fire fighter in the fire protection
26 service of a department" includes all officers in such fire
27 protection service including fire chiefs and assistant
28 fire chiefs.

29 (3) The term "air pilot" includes any employee whose
30 official job description on file in the Department of
31 Central Management Services, or in the department by which
32 he is employed if that department is not covered by the
33 Personnel Code, states that his principal duty is the
34 operation of aircraft, and who possesses a pilot's license;
35 however, the change in this definition made by this
36 amendatory Act of 1983 shall not operate to exclude any

1 noncovered employee who was an "air pilot" for the purposes
2 of this Section on January 1, 1984.

3 (4) The term "special agent" means any person who by
4 reason of employment by the Division of Narcotic Control,
5 the Bureau of Investigation or, after July 1, 1977, the
6 Division of Criminal Investigation, the Division of
7 Internal Investigation, the Division of Operations, or any
8 other Division or organizational entity in the Department
9 of State Police is vested by law with duties to maintain
10 public order, investigate violations of the criminal law of
11 this State, enforce the laws of this State, make arrests
12 and recover property. The term "special agent" includes any
13 title or position in the Department of State Police that is
14 held by an individual employed under the State Police Act.

15 (5) The term "investigator or police officer for the
16 Secretary of State" means any person employed by the Office
17 of the Secretary of State and vested with such
18 investigative or police duties as render him ineligible for
19 coverage under the Social Security Act by reason of
20 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that
21 Act.

22 A person who became employed as an investigator for the
23 Secretary of State between January 1, 1967 and December 31,
24 1975, and who has served as such until attainment of age
25 60, either continuously or with a single break in service
26 of not more than 3 years duration, which break terminated
27 before January 1, 1976, shall be entitled to have his
28 retirement annuity calculated in accordance with
29 subsection (a), notwithstanding that he has less than 20
30 years of credit for such service.

31 (6) The term "Conservation Police Officer" means any
32 person employed by the Division of Law Enforcement of the
33 Department of Natural Resources and vested with such law
34 enforcement duties as render him ineligible for coverage
35 under the Social Security Act by reason of Sections
36 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The

1 term "Conservation Police Officer" includes the positions
2 of Chief Conservation Police Administrator and Assistant
3 Conservation Police Administrator.

4 (7) The term "investigator for the Department of
5 Revenue" means any person employed by the Department of
6 Revenue and vested with such investigative duties as render
7 him ineligible for coverage under the Social Security Act
8 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
9 218(1)(1) of that Act.

10 (8) The term "security employee of the Department of
11 Human Services" means any person employed by the Department
12 of Human Services who (i) is employed at the Chester Mental
13 Health Center and has daily contact with the residents
14 thereof, (ii) is employed within a security unit at a
15 facility operated by the Department and has daily contact
16 with the residents of the security unit, (iii) is employed
17 at a facility operated by the Department that includes a
18 security unit and is regularly scheduled to work at least
19 50% of his or her working hours within that security unit,
20 or (iv) is a mental health police officer. "Mental health
21 police officer" means any person employed by the Department
22 of Human Services in a position pertaining to the
23 Department's mental health and developmental disabilities
24 functions who is vested with such law enforcement duties as
25 render the person ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),
27 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
28 means that portion of a facility that is devoted to the
29 care, containment, and treatment of persons committed to
30 the Department of Human Services as sexually violent
31 persons, persons unfit to stand trial, or persons not
32 guilty by reason of insanity. With respect to past
33 employment, references to the Department of Human Services
34 include its predecessor, the Department of Mental Health
35 and Developmental Disabilities.

36 The changes made to this subdivision (c)(8) by Public

1 Act 92-14 apply to persons who retire on or after January
2 1, 2001, notwithstanding Section 1-103.1.

3 (9) "Central Management Services security police
4 officer" means any person employed by the Department of
5 Central Management Services who is vested with such law
6 enforcement duties as render him ineligible for coverage
7 under the Social Security Act by reason of Sections
8 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

9 (10) For a member who first became an employee under
10 this Article before July 1, 2005, the term "security
11 employee of the Department of Corrections or the Department
12 of Juvenile Justice" means any employee of the Department
13 of Corrections or the Department of Juvenile Justice or the
14 former Department of Personnel, and any member or employee
15 of the Prisoner Review Board, who has daily contact with
16 inmates or youth by working within a correctional facility
17 or Juvenile facility operated by the Department of Juvenile
18 Justice or who is a parole officer or an employee who has
19 direct contact with committed persons in the performance of
20 his or her job duties. For a member who first becomes an
21 employee under this Article on or after July 1, 2005, the
22 term means an employee of the Department of Corrections or
23 the Department of Juvenile Justice who is any of the
24 following: (i) officially headquartered at a correctional
25 facility or Juvenile facility operated by the Department of
26 Juvenile Justice, (ii) a parole officer, (iii) a member of
27 the apprehension unit, (iv) a member of the intelligence
28 unit, (v) a member of the sort team, or (vi) an
29 investigator.

30 (11) The term "dangerous drugs investigator" means any
31 person who is employed as such by the Department of Human
32 Services.

33 (12) The term "investigator for the Department of State
34 Police" means a person employed by the Department of State
35 Police who is vested under Section 4 of the Narcotic
36 Control Division Abolition Act with such law enforcement

1 powers as render him ineligible for coverage under the
2 Social Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D) and 218(1)(1) of that Act.

4 (13) "Investigator for the Office of the Attorney
5 General" means any person who is employed as such by the
6 Office of the Attorney General and is vested with such
7 investigative duties as render him ineligible for coverage
8 under the Social Security Act by reason of Sections
9 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
10 the period before January 1, 1989, the term includes all
11 persons who were employed as investigators by the Office of
12 the Attorney General, without regard to social security
13 status.

14 (14) "Controlled substance inspector" means any person
15 who is employed as such by the Department of Professional
16 Regulation and is vested with such law enforcement duties
17 as render him ineligible for coverage under the Social
18 Security Act by reason of Sections 218(d)(5)(A),
19 218(d)(8)(D) and 218(1)(1) of that Act. The term
20 "controlled substance inspector" includes the Program
21 Executive of Enforcement and the Assistant Program
22 Executive of Enforcement.

23 (15) The term "investigator for the Office of the
24 State's Attorneys Appellate Prosecutor" means a person
25 employed in that capacity on a full time basis under the
26 authority of Section 7.06 of the State's Attorneys
27 Appellate Prosecutor's Act.

28 (16) "Commerce Commission police officer" means any
29 person employed by the Illinois Commerce Commission who is
30 vested with such law enforcement duties as render him
31 ineligible for coverage under the Social Security Act by
32 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
33 218(1)(1) of that Act.

34 (17) "Arson investigator" means any person who is
35 employed as such by the Office of the State Fire Marshal
36 and is vested with such law enforcement duties as render

1 the person ineligible for coverage under the Social
2 Security Act by reason of Sections 218(d)(5)(A),
3 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
4 employed as an arson investigator on January 1, 1995 and is
5 no longer in service but not yet receiving a retirement
6 annuity may convert his or her creditable service for
7 employment as an arson investigator into eligible
8 creditable service by paying to the System the difference
9 between the employee contributions actually paid for that
10 service and the amounts that would have been contributed if
11 the applicant were contributing at the rate applicable to
12 persons with the same social security status earning
13 eligible creditable service on the date of application.

14 (18) The term "State highway maintenance worker" means
15 a person who is either of the following:

16 (i) A person employed on a full-time basis by the
17 Illinois Department of Transportation in the position
18 of highway maintainer, highway maintenance lead
19 worker, highway maintenance lead/lead worker, heavy
20 construction equipment operator, power shovel
21 operator, or bridge mechanic; and whose principal
22 responsibility is to perform, on the roadway, the
23 actual maintenance necessary to keep the highways that
24 form a part of the State highway system in serviceable
25 condition for vehicular traffic.

26 (ii) A person employed on a full-time basis by the
27 Illinois State Toll Highway Authority in the position
28 of equipment operator/laborer H-4, equipment
29 operator/laborer H-6, welder H-4, welder H-6,
30 mechanical/electrical H-4, mechanical/electrical H-6,
31 water/sewer H-4, water/sewer H-6, sign maker/hanger
32 H-4, sign maker/hanger H-6, roadway lighting H-4,
33 roadway lighting H-6, structural H-4, structural H-6,
34 painter H-4, or painter H-6; and whose principal
35 responsibility is to perform, on the roadway, the
36 actual maintenance necessary to keep the Authority's

1 tollways in serviceable condition for vehicular
2 traffic.

3 (d) A security employee of the Department of Corrections or
4 the Department of Juvenile Justice, and a security employee of
5 the Department of Human Services who is not a mental health
6 police officer, shall not be eligible for the alternative
7 retirement annuity provided by this Section unless he or she
8 meets the following minimum age and service requirements at the
9 time of retirement:

10 (i) 25 years of eligible creditable service and age 55;

11 or

12 (ii) beginning January 1, 1987, 25 years of eligible
13 creditable service and age 54, or 24 years of eligible
14 creditable service and age 55; or

15 (iii) beginning January 1, 1988, 25 years of eligible
16 creditable service and age 53, or 23 years of eligible
17 creditable service and age 55; or

18 (iv) beginning January 1, 1989, 25 years of eligible
19 creditable service and age 52, or 22 years of eligible
20 creditable service and age 55; or

21 (v) beginning January 1, 1990, 25 years of eligible
22 creditable service and age 51, or 21 years of eligible
23 creditable service and age 55; or

24 (vi) beginning January 1, 1991, 25 years of eligible
25 creditable service and age 50, or 20 years of eligible
26 creditable service and age 55.

27 Persons who have service credit under Article 16 of this
28 Code for service as a security employee of the Department of
29 Corrections or the Department of Juvenile Justice, or the
30 Department of Human Services in a position requiring
31 certification as a teacher may count such service toward
32 establishing their eligibility under the service requirements
33 of this Section; but such service may be used only for
34 establishing such eligibility, and not for the purpose of
35 increasing or calculating any benefit.

36 (e) If a member enters military service while working in a

1 position in which eligible creditable service may be earned,
2 and returns to State service in the same or another such
3 position, and fulfills in all other respects the conditions
4 prescribed in this Article for credit for military service,
5 such military service shall be credited as eligible creditable
6 service for the purposes of the retirement annuity prescribed
7 in this Section.

8 (f) For purposes of calculating retirement annuities under
9 this Section, periods of service rendered after December 31,
10 1968 and before October 1, 1975 as a covered employee in the
11 position of special agent, conservation police officer, mental
12 health police officer, or investigator for the Secretary of
13 State, shall be deemed to have been service as a noncovered
14 employee, provided that the employee pays to the System prior
15 to retirement an amount equal to (1) the difference between the
16 employee contributions that would have been required for such
17 service as a noncovered employee, and the amount of employee
18 contributions actually paid, plus (2) if payment is made after
19 July 31, 1987, regular interest on the amount specified in item
20 (1) from the date of service to the date of payment.

21 For purposes of calculating retirement annuities under
22 this Section, periods of service rendered after December 31,
23 1968 and before January 1, 1982 as a covered employee in the
24 position of investigator for the Department of Revenue shall be
25 deemed to have been service as a noncovered employee, provided
26 that the employee pays to the System prior to retirement an
27 amount equal to (1) the difference between the employee
28 contributions that would have been required for such service as
29 a noncovered employee, and the amount of employee contributions
30 actually paid, plus (2) if payment is made after January 1,
31 1990, regular interest on the amount specified in item (1) from
32 the date of service to the date of payment.

33 (g) A State policeman may elect, not later than January 1,
34 1990, to establish eligible creditable service for up to 10
35 years of his service as a policeman under Article 3, by filing
36 a written election with the Board, accompanied by payment of an

1 amount to be determined by the Board, equal to (i) the
2 difference between the amount of employee and employer
3 contributions transferred to the System under Section 3-110.5,
4 and the amounts that would have been contributed had such
5 contributions been made at the rates applicable to State
6 policemen, plus (ii) interest thereon at the effective rate for
7 each year, compounded annually, from the date of service to the
8 date of payment.

9 Subject to the limitation in subsection (i), a State
10 policeman may elect, not later than July 1, 1993, to establish
11 eligible creditable service for up to 10 years of his service
12 as a member of the County Police Department under Article 9, by
13 filing a written election with the Board, accompanied by
14 payment of an amount to be determined by the Board, equal to
15 (i) the difference between the amount of employee and employer
16 contributions transferred to the System under Section 9-121.10
17 and the amounts that would have been contributed had those
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate for
20 each year, compounded annually, from the date of service to the
21 date of payment.

22 (h) Subject to the limitation in subsection (i), a State
23 policeman or investigator for the Secretary of State may elect
24 to establish eligible creditable service for up to 12 years of
25 his service as a policeman under Article 5, by filing a written
26 election with the Board on or before January 31, 1992, and
27 paying to the System by January 31, 1994 an amount to be
28 determined by the Board, equal to (i) the difference between
29 the amount of employee and employer contributions transferred
30 to the System under Section 5-236, and the amounts that would
31 have been contributed had such contributions been made at the
32 rates applicable to State policemen, plus (ii) interest thereon
33 at the effective rate for each year, compounded annually, from
34 the date of service to the date of payment.

35 Subject to the limitation in subsection (i), a State
36 policeman, conservation police officer, or investigator for

1 the Secretary of State may elect to establish eligible
2 creditable service for up to 10 years of service as a sheriff's
3 law enforcement employee under Article 7, by filing a written
4 election with the Board on or before January 31, 1993, and
5 paying to the System by January 31, 1994 an amount to be
6 determined by the Board, equal to (i) the difference between
7 the amount of employee and employer contributions transferred
8 to the System under Section 7-139.7, and the amounts that would
9 have been contributed had such contributions been made at the
10 rates applicable to State policemen, plus (ii) interest thereon
11 at the effective rate for each year, compounded annually, from
12 the date of service to the date of payment.

13 (i) The total amount of eligible creditable service
14 established by any person under subsections (g), (h), (j), (k),
15 and (l) of this Section shall not exceed 12 years.

16 (j) Subject to the limitation in subsection (i), an
17 investigator for the Office of the State's Attorneys Appellate
18 Prosecutor or a controlled substance inspector may elect to
19 establish eligible creditable service for up to 10 years of his
20 service as a policeman under Article 3 or a sheriff's law
21 enforcement employee under Article 7, by filing a written
22 election with the Board, accompanied by payment of an amount to
23 be determined by the Board, equal to (1) the difference between
24 the amount of employee and employer contributions transferred
25 to the System under Section 3-110.6 or 7-139.8, and the amounts
26 that would have been contributed had such contributions been
27 made at the rates applicable to State policemen, plus (2)
28 interest thereon at the effective rate for each year,
29 compounded annually, from the date of service to the date of
30 payment.

31 (k) Subject to the limitation in subsection (i) of this
32 Section, an alternative formula employee may elect to establish
33 eligible creditable service for periods spent as a full-time
34 law enforcement officer or full-time corrections officer
35 employed by the federal government or by a state or local
36 government located outside of Illinois, for which credit is not

1 held in any other public employee pension fund or retirement
2 system. To obtain this credit, the applicant must file a
3 written application with the Board by March 31, 1998,
4 accompanied by evidence of eligibility acceptable to the Board
5 and payment of an amount to be determined by the Board, equal
6 to (1) employee contributions for the credit being established,
7 based upon the applicant's salary on the first day as an
8 alternative formula employee after the employment for which
9 credit is being established and the rates then applicable to
10 alternative formula employees, plus (2) an amount determined by
11 the Board to be the employer's normal cost of the benefits
12 accrued for the credit being established, plus (3) regular
13 interest on the amounts in items (1) and (2) from the first day
14 as an alternative formula employee after the employment for
15 which credit is being established to the date of payment.

16 (l) Subject to the limitation in subsection (i), a security
17 employee of the Department of Corrections may elect, not later
18 than July 1, 1998, to establish eligible creditable service for
19 up to 10 years of his or her service as a policeman under
20 Article 3, by filing a written election with the Board,
21 accompanied by payment of an amount to be determined by the
22 Board, equal to (i) the difference between the amount of
23 employee and employer contributions transferred to the System
24 under Section 3-110.5, and the amounts that would have been
25 contributed had such contributions been made at the rates
26 applicable to security employees of the Department of
27 Corrections, plus (ii) interest thereon at the effective rate
28 for each year, compounded annually, from the date of service to
29 the date of payment.

30 (m) The amendatory changes to this Section made by this
31 amendatory Act of the 94th General Assembly apply only to: (1)
32 security employees of the Department of Juvenile Justice
33 employed by the Department of Corrections before the effective
34 date of this amendatory Act of the 94th General Assembly and
35 transferred to the Department of Juvenile Justice by this
36 amendatory Act of the 94th General Assembly; and (2) persons

1 employed by the Department of Juvenile Justice on or after the
2 effective date of this amendatory Act of the 94th General
3 Assembly who are required by subsection (b) of Section 3-2.5-15
4 of the Unified Code of Corrections to have a bachelor's or
5 advanced degree from an accredited college or university with a
6 specialization in criminal justice, education, psychology,
7 social work, or a closely related social science or, in the
8 case of persons who provide vocational training, who are
9 required to have adequate knowledge in the skill for which they
10 are providing the vocational training.

11 (Source: P.A. 94-4, eff. 6-1-05; 94-696, eff. 6-1-06.)

12 Section 95. No acceleration or delay. Where this Act makes
13 changes in a statute that is represented in this Act by text
14 that is not yet or no longer in effect (for example, a Section
15 represented by multiple versions), the use of that text does
16 not accelerate or delay the taking effect of (i) the changes
17 made by this Act or (ii) provisions derived from any other
18 Public Act.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.